

REMARKS

Claims 20, 25, 26, 28, 32, 33, and 40-71 of the subject application are currently pending and have been rejected by the Examiner. In the accompanying amendment, the applicant seeks to add new claims 72-85. Support for the new claims 72-85 can be found in the written description, claims, and drawings as originally filed. On account of the foregoing listed support for the new claims, it is respectfully submitted that the new claims do not add new matter.

Claim Rejections Under 35 USC 102

Claims 20, 32, 33, 46, 55, 58, 61, 64, 69, and 71 have been rejected under 35 USC 102(b) has been anticipated by Miles (US 5,835,255).

Attached is a copy of a petition under 37 CFR 1.78(a)(3) for the acceptance of an unintentionally delayed claim under 35 USC 120, and an amendment for claim of priority. Both these documents were filed at the US Patent Office on June 23, 2004. These documents were filed to perfect a claim of priority to US Patent Number 5,835,255. Applicant expects the petition to be granted and accordingly argues that US Patent No. 5,835,255 is not prior art under 35 USC 102(b). Accordingly, the Examiner is requested to respectfully redraw his rejection of claims 20, 32, 33, 46, 55-58, 61, 64-69, and 71 under 35 USC 102(b).

Further, the Examiner has rejected claim 63 under 35 USC 102(b) has been clearly anticipated by Yamamori, et al (US 5,355,357). Applicant, however respectfully disagrees with the Examiner in this regard, on the ground that Yamamori does not teach or suggest all limitations of claim 63. For example claim 63 includes the limitation of "a sensor for determining a state of use the product". The Examiner contends that Yamamori discloses a sensor for determining product usage state. However, it is respectfully submitted that the Examiner is incorrect in this regard because as will be seen from column 5 of Yamamori, reference 2 indicates an optical pickup unit which functions as an information signal readout means for reading and reproducing information signals recorded on the optical disc. Thus, the optical pickup unit 2 is not a

sensor for determining product usage state for example of product usage state includes a microwave oven which pulses red when the food is done or a bread baking machine whose exterior changes colors as the baking process progresses, as described on page 34 of the subject application.

Claim Rejections Under 35 USC 103

The Examiner has rejected claims 25 and 62 under 35 USC 103(a) as being unpatentable over Miles as applied to claim 72 above, and further in view of Cordova (US 5,526,372).

Since for this rejection, the Examiner relies on US 5,835,255, Applicant traverses by stating that this reference will no longer qualify as prior art, once the Applicant claim of priority as been perfected.

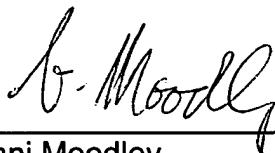
Similarly, the Examiner's rejected of claims 48, 49, 60 and 70 should be withdrawn since US 5,835,255 will not qualify as prior art, once the Applicant's claim of priority to US 5,835,255 is granted.

It is respectfully submitted that in view of the amendments and remarks set forth herein, all rejections have been overcome. All pending claims are now in condition for allowance, which is earnestly solicited.

If the Examiner determines that prompt allowance of these claims could be facilitated by telephone conference, the Examiner is invited to contact Vani Moodley at (408) 720-8300.

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due. Furthermore, if an extension is required, then Applicant hereby requests such an extension.

Respectfully submitted,
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN



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Vani Moodley
Under 37 CFR § 10.9(b)

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